

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 664**  
FINAL READING

Introduced by Hudkins, 21

Read first time January 17, 2007

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Geologists Regulation Act; to amend  
2 section 81-3541, Reissue Revised Statutes of Nebraska; to  
3 eliminate an exemption from licensure as a geologist; to  
4 harmonize provisions; and to repeal the original section.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 81-3541, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           81-3541 (1) The following activities do not require  
4 licensure as a geologist under the Geologists Regulation Act:

5           (a) Geological work performed by an employee or a  
6 subordinate of a professional geologist if the work does not  
7 include responsible charge of geological work and is performed  
8 under the direct supervision of a professional geologist who is and  
9 remains responsible for such work;

10           (b) Geological work performed exclusively in the  
11 exploration for and development of energy resources and base,  
12 precious, and nonprecious minerals, including sand, gravel, and  
13 aggregate, and not having a substantial impact upon the public  
14 health, safety, and welfare, as determined by the board;

15           (c) Geologic research conducted through academic  
16 institutions, agencies of the federal or state governments, or  
17 nonprofit research institutions;

18           (d) Teaching in geology or related physical or natural  
19 sciences;

20           (e) Work performed by a professional engineer  
21 appropriately licensed in this state that is within the generally  
22 accepted scope of engineering practice;

23           (f) The practice of any other legally recognized  
24 profession;

25           (g) The practice of or offer to practice geology by

1 a person not a resident of and having no established place of  
2 business in this state who desires to practice geology for a  
3 specific project. The person shall make application to the board  
4 in writing, and after payment of a fee established by the board by  
5 rule and regulation, such person may be issued a temporary permit  
6 for a definite period of time not to exceed one year if the person  
7 is legally qualified by licensure to practice geology in his or her  
8 own state or country. No right to practice geology shall accrue to  
9 such applicant with respect to any other work not set forth in the  
10 permit;

11 (h) Work, which includes subsurface excavation, soil  
12 and water analysis, and routine environmental monitoring, such  
13 as sample collection and water level gauging, performed by an  
14 organization for itself and in accordance with other requirements  
15 of law;

16 (i) The work of employees of a political subdivision  
17 or state agency charged with natural resources conservation  
18 performing, in accordance with other requirements of law, their  
19 customary duties in operations, maintenance, and environmental  
20 monitoring;

21 (j) The work of employees and agents of a political  
22 subdivision or rural electric cooperative performing, in accordance  
23 with other requirements of law, their customary duties in routine  
24 utility line construction, operations, and maintenance;

25 (k) Work customarily performed by chemists, hydrologists,

1 archeologists, geographers, pedologists, agronomists, and soil  
2 scientists; and

3 ~~(1) Work for which state approval or permitting is~~  
4 ~~required, if such activity is in accordance with other requirements~~  
5 ~~of law, rules, or regulations pertaining to the use of a geologist,~~  
6 ~~and~~

7 ~~(m)~~ (1) Work performed in the construction of water  
8 wells as defined in section 46-1212, the installation of pumps  
9 and pumping equipment into water wells, and the decommissioning of  
10 water wells.

11 (2) If the board determines with respect to a particular  
12 function that the public is adequately protected without the  
13 necessity of a professional geologist performing certain services,  
14 the board may waive the requirements of the act with respect to the  
15 function.

16 (3) This section shall not be construed so as to prohibit  
17 the testimony of any individual before the Nebraska Oil and Gas  
18 Conservation Commission.

19 Sec. 2. Original section 81-3541, Reissue Revised  
20 Statutes of Nebraska, is repealed.